

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 17 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DANIEL LAWRENCE WAKEMAN,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 17-70079

D.C. No. 2:16-cr-00092-APG-VCF
District of Nevada,
Las Vegas

ORDER

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C. § 2255 motion makes a prima facie showing for relief under *Johnson v. United States*, 135 S. Ct. 2551 (2015). The application is granted. *See Welch v. United States*, 136 S. Ct. 1257, 1264-68 (2016) (Johnson announced a new substantive rule that has retroactive effect in cases on collateral review).

The Clerk shall transfer the proposed section 2255 motion filed on January 10, 2017, to the United States District Court for the District of Nevada to be processed as a section 2255 motion.

The Clerk shall serve this order and the application directly on the chambers of the Honorable Andrew P. Gordon.

Upon transfer of the proposed section 2255 motion, the Clerk shall close this original action in this court.

No further filings will be entertained in this case.